

Virginia Firearms Transaction Program

Procedures Manual for Firearm Dealers

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Prepared by the Virginia Department of State Police



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Superintendent

Introduction

The Virginia Firearms Transaction Program (VFTP) was designed and implemented by the Virginia Department of State Police to meet the mandates of legislation enacted by the 1989 Session of the Virginia General Assembly. Section 18.2-308.2:2, Code of Virginia, requires a criminal history record information check be performed on the purchaser prior to the transfer of a firearm.

The VFTP was the first of its kind in the nation. It has been replicated in many other states.

The VFTP is available via the Internet and a toll free 800-telephone number to the Firearm Transaction Center (FTC) Call Center. The VFTP is the point of contact for the National Instant Criminal Background Check System (NICS).

The procedures contained in this manual were developed in compliance with Title 18.2, Chapter 7, Code of Virginia, to provide guidance and information to licensed firearm dealers concerning state and federal firearm laws.

This manual provides:

- step-by-step instruction on how to request criminal history record information checks prior to the sale, trade, or transfer of a firearm
- applicable Code sections
- notice of required forms
- information pertaining to the rights of prospective firearm purchasers if they are denied the purchase of a firearm
- regulations promulgated by the Department of State Police
- regulations promulgated by the Department of Criminal Justice Services Division

Department of State Police Internet website: <http://www.vsp.virginia.gov>.

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Firearm Dealers

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I. FIREARMS DEALER REGISTRATION

A. Requirements

1. Every federally licensed firearm dealer meeting the definition of a "dealer," licensed in the Commonwealth of Virginia, is required to register with the State Police. See Appendix B for the state and federal definition of a "dealer."
2. The Virginia Firearms Transaction Program (VFTP) was designed and implemented by the Virginia Department of State Police to meet the mandates of legislation enacted by the 1989 Session of the Virginia General Assembly. Section 18.2-308.2:2, Code of Virginia, requires a criminal history record information check be performed on the purchaser prior to the transfer of a firearm.
3. The VFTP is available via the Internet and a toll free 800-telephone number to the Firearm Transaction Center (FTC) Call Center. Registrants should consider Internet access (VCheck) as the primary method of access to the criminal history record information check process, and telephone call to the VFTP Call Center as a secondary or alternative access, only.
4. The VFTP is the point of contact for the National Instant Criminal Background Check System (NICS).

B. How to Register

1. Registration is initiated by completion of a Firearms Dealer Registration (SP-69) application. Form SP-69 may be requested or obtained as follows:
 - a. Telephone the FTC at (804) 674-2292.
 - b. Upon written request to the Firearms Transaction Center, Post Office Box 85608, Richmond, Virginia 23285-5608.
 - c. Downloaded and printed from the department's website, www.virginiatrooper.org.
 - d. Email the FTC at firearms@vsp.virginia.gov.
2. The completed SP-69 shall be mailed to the Firearms Transaction Center at Post Office Box 85608, Richmond, Virginia 23285-5608 or hand-delivered to the Department of State Police Administrative Headquarters at 7700 Midlothian Turnpike, Richmond, Virginia.
3. Upon receipt of the completed SP-69, the registration process will include the following:
 - a. The new registrant will be assigned a Dealer Identification Number (DIN).
 - b. The confidential toll free "800" telephone to the FTC Call Center will be provided.
 - c. The individual listed in block 9 of the SP-69 will be contacted by the FTC to coordinate access to VCheck. A signed copy of the federal firearms license may be requested for the purpose of authenticity prior to release of passwords or security codes.

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- d. The registrant will be provided an initial supply of Virginia Firearms Transaction Record (SP-65) forms.
- e. The Procedures Manual for Firearm Dealers, VCheck Users Guide, and related brochures are accessible at <http://www.vsp.state.va.us/Firearms.shtm>

C. Change of Dealer Registration Information

- 1. Dealer registration records must be maintained current and accurate at all times. Registered firearms dealers shall notify the FTC promptly upon any change in registration information (telephone number, address, federal firearms license number, etc.) by contacting the FTC Help Desk by telephone at (804) 674-2292 or by email at firearms@vsp.virginia.gov.
- 2. Any DIN containing an inaccurate address and/or telephone number will be placed in an INACTIVE STATUS and reactivated only upon receipt of the correct or current information.

D. Close of Business

- 1. The FTC shall be provided written notice of close of business in advance of the actual closing date.
- 2. Unused SP-65 forms remain the property of the Department of State Police and shall be returned to the Department of State Police upon termination of business, surrender, or license expiration.

II. FIREARMS SELLER REGISTRATION

A. Seller Registration

1. Virginia Code 18.2-308.2:3 requires all sellers of firearms to submit to a national and state criminal history record information check and requires the issuance of a Employee Identification Number (EIN) by the Department of State Police for qualified individuals.
2. A criminal history background check must be performed for employees of a gun dealer to transfer firearms, whether full-time, part-time, permanent, temporary, paid or unpaid.
3. The national and state criminal history records check will be conducted by the State Police upon receipt of one applicant fingerprint card and a completed Firearms Dealer Employee Registration Form SP-69A.
4. Prior to permitting an applicant to begin employment as a seller of firearms, all dealers must obtain written affirmations from persons employed that they are not disqualified from possessing a firearm. The original SP-69A may be retained by the dealer as the employee's written affirmation.
5. Prior to permitting an applicant to begin employment as a seller of firearms, the dealer shall submit a completed employee fingerprint card and Copy 1 and 2 of the SP-69A to the Firearms Transaction Center to obtain an employee identification number.
6. Code 18.2-308.2:3 requires the issuance of an employee identification number by the Department of State Police for qualified employees.
7. A Seller/employee identification number is mandatory in all firearm transactions processed by the Firearms Transaction Center.

B. Exemption to the Fingerprint Requirement

1. In lieu of submitting fingerprints, any dealer holding a valid Federal Firearms License (FFL) issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) may submit a sworn and notarized affidavit to the Department of State Police on form SP-69B stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was issued by the BAFTE.
2. The affidavit may contain the names of any employees that have been subjected to a record check and approved by the BATFE.
3. An SP-69B form may be obtained by calling the FTC Help Desk or via the Department's website at <http://www.vsp.state.va.us/forms.htm>.
4. This exemption shall apply regardless of whether the FFL was issued in the name of the dealer or in the name of the business or corporation.

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C. Seller Registration Packages

1. The Seller Registration Package consists of the necessary forms, instructions, and fingerprint cards to be distributed to all new employees of the registered firearms dealer.
2. A supply of Seller Registration Packages will be provided upon request.
 - a. Telephone the FTC at (804) 674-2788.
 - b. Upon written request to the Firearms Transaction Center, Post Office Box 85608, Richmond, Virginia 23285-5608.
 - c. Email the FTC at firearms@vsp.virginia.gov

III. REQUESTS FOR FORMS

A. Firearm Transaction Records SP-65 and SP-65A

The Virginia Firearms Transaction Program forms SP-65 and SP-65A are provided by the Department of State Police to dealers to record the sale or transfer of firearms as provided for in Sections 18.2-308.2:2 and 54.1-4201, Code of Virginia, and to obtain the prospective firearms transferee's consent for a criminal history record information check (CHRI) from the State Police.

1. SP-65 and SP-65A forms are issued to each dealer by transferor's transaction serial number and shall not be redistributed or loaned to another dealer.
2. Dealers may request additional forms at any time and shall be responsible for maintaining a sufficient inventory of forms and for ordering additional forms, taking into account shipping times.
3. Emergency distribution of forms will be provided via express mail at the expense of the dealer.

B. Firearms Dealer Employee Registration Form and Fingerprint Cards

1. SP-69A, SP-69B forms, and fingerprint cards are available for distribution upon request to the Firearms Transaction Center (FTC) at (804) 674-2788.
2. Only those fingerprint cards issued to you by the FTC may be utilized for this process.

C. Request for Forms

1. Written requests for additional forms should be directed to Firearms Transaction Center, Post Office Box 85608, Richmond, Virginia 23285-5608 or email firearms@vsp.virginia.gov.
2. Telephone requests for additional forms should be directed to (804) 674-2292. The confidential 800-telephone line is not to be utilized for form requests.
3. All written or telephone requests must include the dealer's DIN or FFL number.
4. Forms may be picked up directly at State Police Administrative Headquarters, 7700 Midlothian Turnpike, Richmond, Virginia.

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IV. COMPLETION OF FORM SP-65

A. Instructions

1. The SP-65 form shall be completed in conjunction with the Federal Form 4473, and shall be completed in its entirety prior to the criminal history background check request.
2. Fee Collected - Shall be completed by the dealer. \$2.00 for Virginia residents and \$5.00 for non-Virginia residents and \$5.00 for mail in transaction(s). The fee collected does not differentiate with the type of request, VCheck or telephone.

Fee Collected: \$2.00 Resident \$5.00 Non-Resident \$5.00 Mail-in Transaction

Transaction Serial Number **N000000**

3. Section A., (Blocks 1 – 6) shall be completed in their entirety by the purchaser. An INS-issued alien number or admission number is required for all non-citizens.

1. Transferee's (Buyer's) Name (Last, First, Middle)

2. Male
 Female

3. Birth Date (Month, Date, Year)

4. Social Security Number or Other Identifying Number
(See Important Notice 1 on back of form)

5. Race (Ethnicity) (Check one or more boxes)

- American Indian or Alaska Native Black or African American Native Hawaiian or Other Pacific Islander
 Hispanic or Latino Asian White

6. Are you a citizen of the United States? Yes No

If "No," what is your INS-issued alien number or admission number? _____

4. Section A., (Blocks 7 – 9) shall be completed by the transferee. *The transaction shall be terminated immediately upon a "yes" response to either question.*

7. Have you been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of offense of a delinquent act which would be a felony if committed by an adult? <i>(See Exceptions on back of form.)</i> Initial here to document reading and understanding of the Exceptions on back of form →	
8. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner, or a child of such partner or are you subject to a protective order? <i>(See Important Notice 2 on back of form.)</i>	
9. Have you ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to §18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction?	

5. Signature and Date (Blocks 10 - 11) shall be completed by the transferee to certify that the answers to questions 7 – 9 are accurate and to provide consent for the CHRI check. Block 12 shall be completed by the dealer to record the unique approval number as provided by the State Police operator, or "DENIED" in instances of confirmed denial.

10. Transferee's Signature

11. Date (Month, Date, Year)

12. State Police Approval Number or Other Final Status

6. Section B., (Block 13) shall be completed by the dealer to document identification and residency of the prospective firearm purchaser, and handgun purchase restriction waiver.

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13. Establishment of Identification and Residency

- A. Primary ID: Driver's License Number _____ or Identification Card Number _____ State _____
- B. Issuance Date of Primary ID: (30-days must have elapsed since the date of issue of an original or duplicate driver's license unless a copy of the Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days.)
- C. Secondary ID: _____ **THE SECONDARY FORM OF ID MUST CONTAIN A NAME AND ADDRESS AND MUST BE THE EXACT NAME AND ADDRESS AS APPEARS ON THE PRIMARY FORM OF ID**
- D. Military Personnel: Identification Card Permanent Orders to a Duty Post in Virginia
- E. Multiple Handgun Purchase Waiver: Concealed Handgun Permit Law Enforcement Officer Trade Exchange Redeem Pawn
 Multiple Handgun Purchase Certificate Other: _____
- F. Assault Weapon Purchase: Identification provided to establish citizenship or legal alien status: _____
 (See Important Notice3 on back of form)

8. Section B., (Blocks 14 – 18) shall be completed by the dealer. Block 14 must reflect the number of firearms by category intended to be transferred at the time of the CHRI check. *Example: 1 pistol, 2 shotguns.* Block 16 identifies the individual who reviews the identification and residency documentation with the prospective purchaser and who completes Section B. Block 17 requires only the last five numbers of the FFL. Block 18 must reflect the county or city in which the transaction takes place.

14. No. of Firearms by Category Pistol(s) _____ Revolver(s) _____ Rifle(s) _____ Shotgun(s) _____	15. Dealer Identification Number (DIN)	
16. Employee/Seller Identification Number (See Instructions on back of form).	17. Federal firearms License (Last 5 Digits)	18. Jurisdiction of Sale (County or City)

9. Section B (Blocks 19 – 20) shall be completed by the dealer in all instances. The individual making the actual transfer may or may not be the same individual whose Employee/Seller ID is listed in Block 16.

19. Transferor's (Seller's) Signature and Title	20. Transaction Date
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B. PURCHASER UNABLE TO READ OR WRITE

If the prospective purchaser or transferee is unable to read and/or write, the SP-65 form may be completed by other individuals, excluding the dealer. Two persons, other than the dealer or an employee of the dealer, must then sign the form alongside the purchaser or transferee's mark as witnesses to the transaction and to affirm the purchaser or transferee's identity.

C. DEALER VERIFICATION OF INFORMATION

The dealer shall verify information in Section A and complete Section B of the SP-65 form in compliance with instructions contained on the form.

V. IDENTIFICATION AND RESIDENCY REQUIREMENTS

The dealer shall determine residency and verify the prospective purchaser's identity as required in Section B of the SP-65 form by requiring a primary and a secondary form of identification that denote the address of the prospective purchaser. Only the forms of identification listed shall be acceptable to establish identity and residency.

A. Primary ID

The primary form of ID shall consist of a valid photo-ID form issued by a governmental agency of the Commonwealth (residents) or of the prospective purchaser's home state (nonresidents) that denotes the individual's name, sex, and date of birth.

1. Where the primary form is a photo-ID issued by the Virginia Department of Motor Vehicles (DMV), the dealer shall not transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless a copy of his/her DMV driver's record is presented showing that the original date of issue was more than 30 days prior to the attempted purchase.
2. A State Department Driver's License is an acceptable primary form of identification: a photo-identification issued by a [Federal] Governmental Agency that indicates the individual's name, address, sex, and date of birth.
3. The DMV will not issue an original license, permit, or ID card to any applicant who has not presented evidence that he/she is a citizen of the United States, a legal permanent resident, or an authorized temporary resident alien of the United States. In the instance of temporary residence (nonimmigrant status), the driver's license or ID card will only be valid during the period of authorized stay in the United States.

B. Secondary Identification

The secondary forms of ID must show an address identical to that shown on the photo-identification form. The following are acceptable forms of secondary identification:

1. A current lease.
2. Evidence of currently paid personal property tax or real estate tax.
3. A current utility or telephone bill.
4. A current voter registration card.
5. A current bank check.
6. A current passport.
7. A current automobile registration.
8. A current hunting or fishing license.
9. Other current identification allowed as evidence of residency by Part 178.124 of Title 27 of the Code of Federal Regulations and BATF Ruling 2001-5 or other documentation of residence determined to be acceptable by the Department of Criminal Justice Services that corroborates that the prospective purchaser currently resides in Virginia.

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C. Social Security Card or Birth Certificate

A social security card or birth certificate is not an acceptable secondary form of identification as it does not include an address and under no circumstances will be accepted as any form of identification of the prospective purchaser.

D. Sale or Transfer of an Assault Weapon

Citizenship must be established prior to the sale or transfer of an "assault weapon." To establish citizenship or lawful admission for a permanent residence, a dealer must require a prospective purchaser to present one of the following forms of identification documentation prior to the sale or transfer of an assault firearm.

1. A certified birth certificate.
2. A certificate of birth abroad issued by the United States State Department.
3. A certificate of citizenship or a certificate of naturalization issued by the United States Citizenship and Immigration Services.
4. An unexpired United States passport.
5. A United States citizen identification card.
6. A current voter registration card.
7. A current selective service registration card.
8. An immigrant visa or registration card.
9. Other documentation of status as a person lawfully admitted for permanent residence issued by the ICE.

E. Law Enforcement Officers

1. State and federal law enforcement officers must meet primary and secondary ID requirements and must consent to a CHRI check for the purchase of a firearm by completion of form SP-65, with the exception of certification letter transactions described below.
2. As of July 1, 2005, law enforcement officers are not subject to Virginia's handgun restriction.
3. Certification Letter - Under Section 925(a)(1) of the Gun Control Act, a law enforcement officer is exempt from the provisions of the Federal Brady Law if the law enforcement officer is issued a certification letter on the agency's letterhead, signed by a person in authority within the agency, stating that the officer will use the firearm in performance of official duties, and the letter must state that a records check reveals that the purchasing officer has not been convicted of a misdemeanor crime of domestic violence.
 - a. The officer specified in the certification letter may purchase a firearm regardless of the state in which the officer resides or in which the agency is located.
 - b. Completion of a state form SP65 is not required in this instance.

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4. Law enforcement officers are *not* exempt from the domestic violence prohibition of the Federal Gun Control Act.

F. Military Personnel

1. Identification Requirements - A military photo-identification card issued by the United States Department of Defense and proof that Virginia, including the Pentagon, is the permanent duty station via "signed and current" military assignment orders is acceptable identification and residency documentation to establish military personnel as residents of Virginia.
2. Mobile Unit Assignments - If permanently or temporarily assigned to mobile units in Virginia, the mobile unit's address should be considered when establishing residency. If the individual's home state is not Virginia, he/she shall be considered a nonresident and the transaction conducted pursuant to nonresident procedures. If, however, the homeport is listed as Virginia, the transaction may be processed as a Virginia resident the same as any other permanent military assignment to Virginia supported by military assignment orders.

G. Nonresident Transactions

1. Handguns - The sale of handguns to nonresident buyers is prohibited by federal law, with the exception of the purchase of a handgun by law enforcement officers (see E.3.)
2. Rifles and Shotguns - Rifles and shotguns may be purchased by persons who are residents of other states under the terms of subsection A and B, Section 18.2-308.2:2, Code of Virginia; i.e., one photo-identification form issued by a governmental agency of the purchaser's state of residence and one other documentation of residence, any of which must show an address identical to that shown on the photo-identification form.
3. A nonresident redeeming a pawned handgun(s) must meet primary and secondary ID requirements. Refer to Section X for additional information pertaining to pawn redemption transactions.

H. Noncitizen Transactions

1. Lawful Permanent Residence - A buyer who is not a citizen of the United States must provide additional identification in order to establish that he or she is a resident of a State. Such a transferee must provide a valid government-issued photo-identification to the seller that contains the buyer's name, date of birth, and residence address. In addition, such a transferee must provide documentation such as a utility bill or lease agreement that would establish that he or she has resided for at least 90 days prior to the date of this sale. The alien resident identification number must be recorded on the SP-65 form in the appropriate block.
2. Nonimmigrant Status - On October 22, 1998, as part of the Omnibus Consolidated Emergency Supplemental Appropriations Act of 1999, Pub. L. 105-277, Congress amended the Gun Control Act by creating, with certain exceptions, a new category of

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persons prohibited from shipping, transporting, receiving, and possessing firearms: any alien “who has been admitted to the United States under a nonimmigrant visa.” This prohibition applies to any alien in the United States in a nonimmigrant status. There are exceptions to the nonimmigrant alien provision, as follows:

- a. The nonimmigrant alien is in possession of a hunting license or permit lawfully issued in the United States.
- b. The nonimmigrant is an official representative of a foreign government who is accredited to the United States Government or their Government’s mission to an international organization having its headquarters in the United States. The individual must provide the dealer with a letter, on official embassy or Department of State letterhead, advising that the firearm is being purchased “in the representative’s official capacity.”
- c. The nonimmigrant has received a waiver from the prohibition from the Attorney General of the United States.

VI. CRIMINAL HISTORY RECORD INFORMATION CHECK

A. State Requirements

1. Pursuant to Virginia Code Section 18.2-308.2:2, a criminal history record information (CHRI) check is required prior to the transfer of a firearm.
2. The transferee must consent to a CHRI check by signature on the Virginia Firearms Transaction Record/Consent (SP-65) Form. It is the dealer's responsibility to ensure that the SP-65 form is complete prior to requesting a CHRI check.
3. The making of any false oral or written statement or the exhibiting of any false or misrepresented identification associated with a criminal history record information check for the purchase or redemption of a firearm is a crime punishable as a felony.

B. Federal Requirements

In accordance with the Brady Act, Public Law 103-159, the FBI implemented the National Instant Criminal Background Check System (NICS) which must be queried by all federal firearm licensees to determine whether receipt of a firearm by a prospective transferee would violate section 922 (g) or (n) of Title 18, United States Code, or State Law. The Virginia State Police agreed to serve as Point of Contact (POC) for the NICS and for firearms dealers licensed in the Commonwealth, and incorporated NICS into the Virginia Firearms Transaction Program. All firearms transactions conducted by the Firearms Transaction Center include query of this national database.

C. Catalog or Lay-Away Sales

The CHRI check is conducted at the time of physical transfer of the firearm, not at the time the order is placed.

D. Exemptions to CHRI Check Requirements

A CHRI check is not required for:

1. Transactions between licensed firearm importers or collectors, manufacturers, or dealers. The reproduced federal firearm license presented must contain an original signature of the licensee to verify the identity and licensed status of the licensee. The Bureau of Alcohol, Tobacco, Firearms and Explosives advises that all responsible parties of a corporation do not necessarily meet the definition of a licensed dealer.
2. The sale of curios, relics, or antique firearms.
3. A CHRI check is not required when a licensee returns a repaired or customized firearm to the owner of the firearm, or replacement of a defective firearm to the person from whom it was received.
4. A law enforcement officer meeting the requirements of Section V., E., 3.

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E. Fees Collected

Collect \$2.00 fee from Virginia residents. Collect \$5.00 fee from nonresidents.

F. Transaction Approval Requests

Transaction approval requests are available via the State Police VCheck program, 800 toll-free number or local telephone number to the State Police Call Center, or via U.S. Mail. See Section VIII for detailed information on types of transactions.

VII. TYPES OF TRANSACTIONS

A. VCheck

VCheck is Virginia's instant criminal background check program available via the Internet to all firearms dealers registered with the State Police Firearms Transaction Center.

1. The Virginia Firearms Transaction Record (SP-65) form shall be completed in its entirety prior to data entry.
2. Detailed data entry instructions and field requirements are provided in the VCheck Users Guide, which is available via link on the VCheck Home Page.

B. 800 Telephone Line

1. The 800 telephone line to the Firearms Transaction Center (FTC) Call Center should be utilized secondary to the VCheck program.
2. The Virginia Firearms Transaction Record (SP-65) shall be completed in its entirety immediately prior to contacting the FTC Call Center.
3. If an operator is not immediately available, all calls will be held in queue pending operator availability, and will be processed in the order they are received.
4. At those times when high volumes of telephonic transactions are being received and processed by the FTC Call Center, the number of transactions accepted during one telephone call may be restricted.
5. The following information must be provided to the FTC Call Center operator:
 - a. DIN
 - b. Seller ID
 - c. Document Number
 - d. Name of the customer by order of last name, first name, and middle name.
 - e. Sex, Race, and Date of Birth by order of year, month, day.
 - f. Social Security Number (optional) if the social security number is written on the SP-65 by the perspective purchaser, it must be provided to the FTC Call Center operator.
 - g. Country of citizenship if other than the United States, and Alien Registration Number or I-94 Number. See section V for additional information on noncitizen transactions.
 - h. Jurisdiction of sale.
 - i. Volume and category of firearms to be transferred.

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- j. Type of Transaction (new purchase, pawn redemption, trade, or multiple handgun purchase, etc.)
 - 6. Operator may respond, "Yes, approved" and give approval number. The firearm may be transferred immediately upon receipt of the approval number. The dealer shall record the approval number in the appropriate block on the form. The approval number provided by the State Police is accepted as the NICS Transaction Number (NTN).
 - 7. The approval number is valid for 30 days from the date the check was initiated. Example: A transaction is initiated on December 15, 2009, and approved on the same date. The purchaser does not pick up the gun until January 17, 2010. Another transaction must be conducted before transferring the firearm to the purchaser.
 - 8. If the "approved" transaction involved the sale or transfer of a handgun and the sale or transfer did not take place, notify the State Police operator immediately by calling the confidential toll-free telephone number. (This call will not be charged to your account.)
 - 9. Operator may respond, "This transaction is not approved at this time." The sale of the firearm(s) shall be held in abeyance until all files can be checked by the Department of State Police. The dealer will be requested to provide additional descriptive information pertaining to the prospective purchaser (height, weight, and place of birth) as indicated on the completed SP-65. See Section VIII for additional information on delayed transactions.
 - 10. Additional firearm purchases made by the same buyer may not be added to the SP-65, or transferred to the buyer, after the State Police have provided approval to the transaction. A separate transaction is required in this instance.
- C. Transactions Requested by Mail

Section 18.2-308.2:2, of the Code of Virginia, allows a CHRI check for the transfer of a firearm to be requested by mail, and authorizes up to 10 days processing time by the State Police. If you wish to process a transaction in this manner, please contact the FTC supervisor prior to submitting a transaction for mail-in processing.

VIII. DELAYED TRANSACTIONS

The instructions below shall be followed in conjunction with the VCheck User's Manual available on the State Police website and accessible via VCheck.

A. VCheck

1. Additional Information Required

- a. If a transaction is not immediately approved, "Add'l Info Required" will appear in the status field.
- b. Click on "Add'l Info Required" and follow the prompt to enter secondary descriptive information pertaining to the prospective purchaser.
- c. Once the additional information is entered, the status field will change to "delayed" and a date the firearm can be transferred without authorization by the State Police will be automatically generated, as follows:

Thurs., Jan. 14th, Delay Status Received

Fri., Jan. 15th, Day One

Sat., Jan. 16th, State Offices are Closed

Sun., Jan. 17th, State Offices are Closed

Mon., Jan. 18th, State Holiday

Tues., Jan. 19th, Day Two

Wed., Jan. 20th, Day Three

Thurs., Jan. 21st, Transfer May Occur

- d. If a final determination of eligibility is not established by the end of the third business day, the dealer may immediately complete the sale or transfer of the firearm(s). Please notify the FTC Help Desk as soon as possible in this instance.

2. Status Checks

- a. The current status of any transaction may be checked via "Advanced Search."
- b. The status may be delayed, further research, approved, or denied.
- c. The FTC will not contact you by telephone concerning approved transactions.
- d. The FTC will contact you by telephone to confirm notice of any denied transaction.
- e. The Firearms Transaction may be printed by clicking on "Print" located at the top right of the screen.

3. Approved Transaction

- a. The approval number is valid for 30 calendar days.
- b. Additional firearm purchases made by the same buyer may not be added to the SP-65, or transferred to the buyer, after the State Police have provided approval to the transaction. A separate transaction is required in this instance.
- c. If the "modified to approved" transaction involved the sale or transfer of a handgun and the sale or transfer did not take place, please notify the State Police operator immediately by calling the toll-free telephone number so the transfer may be removed from the calendar file on handgun purchases. The call will not be charged to your account.

4. If Transaction is Denied

- a. The firearm may not be released to the individual attempting to purchase, trade, exchange, or redeem the firearm under any circumstance.
- b. The individual denied the purchase trade, exchange or pawn redemption of the firearm(s) shall be provided a VFTP Brochure, which provides the avenues the individual may pursue should he or she believe that they are not prohibited by state or federal law from purchasing or possessing a firearm. See Section XII for information on processes of appeal available to the denied individual.

B. 800 Telephone Line

1. Delayed Transaction

- a. The dealer will be requested to provide additional descriptive information pertaining to the prospective purchaser (height, weight, and place of birth) as indicated on the completed ATF 4473 form. State Police will notify the dealer of the final determination of eligibility status prior to the close of the third business day wherein all state offices are open. State offices are not considered open Saturday or Sunday and official state holidays. Example:

Thurs., Jan. 14th, Initial Non-Approval Received

Fri., Jan. 15th, Day One

Sat., Jan. 16th, State Offices are Closed

Sun., Jan. 17th, State Offices are Closed

Mon., Jan. 18th, State Holiday

Tues., Jan. 19th, Day Two

Wed., Jan. 20th, Day Three

Thurs., Jan. 21st, Transfer May Occur

- b. If not so advised by the end of the third business day, the dealer may immediately complete the sale or transfer of the firearm(s).
- c. If a firearm is transferred prior to a final determination of eligibility by the State Police, the dealer is requested to notify the State Police operator immediately.

2. If Transaction is Modified to Approval
 - a. The FTC will notify you by telephone of the approval status of the transaction.
 - b. The firearm may be transferred to the purchaser without a second CHRI check provided 30 calendar days have not elapsed since the record check was initiated.
 - c. Additional firearm purchases made by the same buyer may not be added to the SP-65, or transferred to the buyer, after the State Police have provided approval to the transaction. A separate transaction is required in this instance.
 - d. If the "modified to approved" transaction involved the sale or transfer of a handgun and the sale or transfer did not take place, notify the State Police operator immediately by calling the confidential toll-free telephone number so the transfer may be removed from the calendar file on handgun purchases. Use of the toll-free telephone number is acceptable, and the call will not be charged to your account.
3. If Transaction is Denied
 - a. The FTC will notify you by telephone of the denial status of the transaction.
 - b. The firearm may not be released to the individual attempting to purchase, trade, exchange, or redeem the firearm under any circumstance.
 - c. The individual denied the purchase trade, exchange or pawn redemption of the firearm(s) shall be provided a VFTP Brochure which provides the avenues the individual may pursue should he or she believe that they are not prohibited by state or federal law from purchasing or possessing a firearm. See Section XII for information on processes of appeal available to the denied individual.

IX. HANDGUN PURCHASE RESTRICTION

A. Requirements

Section 18.2-308.2:2, of the Code of Virginia, prohibits the sale or transfer of more than one handgun to any person within any 30-day period, unless specifically exempted by statute or upon the issuance of a Multiple Handgun Purchase Certificate issued by the Department of State Police.

B. Exemptions

1. Licensed firearm dealers.
2. A law enforcement agency.
3. A law enforcement officer. *A law enforcement officer is defined as any employee of a police department or sheriff's office that is part of or administered by the Commonwealth of Virginia or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth.*
4. An agency duly authorized to perform law-enforcement duties
5. State and local correctional facilities
6. A private security company licensed to do business within the Commonwealth
7. The purchase of antique firearms.
8. The exchange or replacement of a handgun.
 - a. An exchange involves a handgun that was purchased within the last 30-day period and must occur with the original seller of the handgun.
 - b. The transaction requires the SP-65 document number of the first transaction.
 - c. There is no restriction to the number of times an individual may exchange a handgun.
9. The replacement of a single lost or stolen handgun.
 - a. A person whose handgun is stolen or irretrievably lost who deems it essential that such handgun be replaced immediately may purchase another handgun, even if the person has previously purchased a handgun within a 30-day period.
 - b. The person must provide the firearms dealer with a copy of the official police report or summary on forms provided by the State Police (Lost/Stolen Handgun Report), from the law-enforcement agency that took the report of the lost or stolen handgun.

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- c. The Lost/Stolen Handgun Report contains the name and address of the handgun owner, the description of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was reported to the law-enforcement agency. The date of the loss or theft as reflected on the Lost/Stolen Handgun Report must have occurred within 30 days of the person's attempt to replace the handgun.
 - d. The firearms dealer shall attach a copy of the report to the original copy of the completed SP-65 and retain it for a period of two years
- 10. The trade of a handgun for a handgun. *Only one transaction of this nature may be completed per day.*
 - 11. A valid Virginia permit to carry a concealed handgun.
 - 12. The private purchase of a handgun. *A private sale means purchase from a person who makes occasional sales, exchanges or purchases of firearms for the enhancement of a personal collection of curios or relics, or who sells all or part of such collection of curios and relics.*
- C. Multiple Handgun Purchase Certificate
- 1. Purchases in excess of one handgun within a 30-day period may be made upon completion of an enhanced background check by special application to the State Police, and upon approval by the State Police, in accordance with regulations governing multiple handgun purchases promulgated by the Department of State Police. Application shall be made in person to State Police Administrative Headquarters, 7700 Midlothian Turnpike, Richmond, Virginia, a division headquarters or area office of the Department of State Police.
 - 2. The Multiple Handgun Purchase Certificate is valid for seven days from the date of issuance.
 - 3. The Multiple Handgun Purchase Certificate (SP-208) must be surrendered by the purchaser to the dealer at the time of transaction and maintained on file by the dealer for not less than two years from the date of transaction.

X. PAWN TRANSACTIONS OR RETURN OF CONSIGNED FIREARMS

A. Requirements

1. Pursuant to the permanent provisions of the national Brady Law, a CHRI check is required prior to the return of a pawned firearm to the owner of the firearm or to any other person redeeming the firearm, both before or after expiration of the bailment contract, and prior to the return of a consigned firearm to person who established the consignment contract.
2. An individual may pawn and redeem a handgun multiple times during the same 30-day period.

B. Pre-Pawn CHRI Check

Federal law allows pawnbrokers the "option" of requesting a NICS (National Instant Criminal Background Check System) check at the time a person offers the firearm for pawn. Virginia Firearms Pre-Pawn Transaction Record (SP-65A) is provided for this purpose.

1. The individual subject to the bailment contract must meet primary and secondary ID requirements, as described in Section V.
2. The individual subject to the bailment contract must complete form SP-65A to document the transaction and to obtain the individual's consent for a criminal history record information check (CHRI) from the State Police.
3. The dealer making the pawn transaction must complete form SP-65A pursuant to the instructions outlined in Section IV.
4. Both VCheck and the 800 telephone line will accommodate a pre-check transaction.
5. In response, the pawnbroker will receive either an instant approval indicating the individual is not prohibited from possessing or purchasing a firearm under state and federal law, or will receive an initial non-approval indicating research of eligibility is necessary.
6. The pawnbroker will be provided a final determination of eligibility as soon as possible in all instances of initial non-approval.
7. Regardless of the initial or final results of the "pre-check," continuation of the bailment contract is at the discretion of the pawnbroker.
8. Upon a confirmed denial notification from the State Police, federal law requires the pawnbroker to notify the local police or sheriff's department within 48 hours of the occurrence.

XI. PURCHASE OF ASSAULT FIREARMS

A. Definitions

1. "Assault Firearm" is defined as any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.
2. "Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

B. Purchase Requirements

Citizenship must be established prior to the sale or transfer of an "assault weapon." Refer to Section V for statutory identification requirements.

C. Prohibitions

1. It shall be unlawful for any person to import into the Commonwealth or possess, purchase, sell or transfer within the Commonwealth, the Striker 12, commonly called a "streetsweeper" or any semi-automatic folding stock shotgun of like kind with a spring tension drum magazine capable of holding twelve shotgun shells.
2. The sale, rental, or transfer of "assault firearms" by a licensed firearms dealer to any person who is not a resident of the United States or any person not lawfully admitted for permanent resident is prohibited pursuant to the Code of Virginia.

XII. APPEAL PROCESSES

A. Requirements

The individual denied the purchase, trade, exchange or pawn redemption of a firearm shall be provided a VFTP Brochure, which explains the avenues the individual may pursue should he or she believe that they are not prohibited by state or federal law from purchasing or possessing a firearm.

B. Options of Appeal

The denied individual may:

1. Contact the FTC at (804) 674-2292 to discuss the ineligible determination and/or to provide additional information deemed pertinent to the final determination of eligibility.
2. Contact the FTC at e-mail address firearms@vsp.virginia.gov to discuss the ineligible determination and/or to provide additional information deemed pertinent to the final determination of eligibility.
3. Fingerprint comparison may be necessary in some instances, and may support the issuance of a Unique Firearms Identification Number (UFIN) to facilitate future purchase approvals.
4. Review their criminal history record and request correction of the record if the record is found to be in error, pursuant to § 9.1-132, Code of Virginia, provided that any such action is initiated within 30 days of the denial. The denied individual may obtain a copy of his or her criminal history record by completion of a Criminal History Record Request Form SP-167. This form can be viewed, downloaded and/or printed by visiting the Department of State Police website at www.vsp.state.va.us.
5. Exercise their right to institute a civil action pursuant to § 9.1-135 of the Code of Virginia, provided that any such action be initiated within 30 days of the denial.
6. Elect to direct their challenge to the accuracy of a record, in writing, to: FBI, NICS Operations Center, Criminal Justice Information Services Division, 1000 Custer Hollow Road, Module C-3, Clarksburg, West Virginia 26306-0147 or E-Mail: nicsappeals@leo.gov. This process of appeal is authorized by 28 CFR 25.10.

B. Restoration of Rights

1. Persons who have been convicted of a felony are generally prohibited from possessing and purchasing firearms under both state and federal law. Likewise, provisions of both state and federal law contain mechanisms for a convicted felon to have his or her right to possess and purchase firearms restored. Under Virginia law, two methods are specifically provided:
 - a. Executive Pardon by the Governor
 - b. Restoration of political rights rights by the Governor and petitioning the circuit court for a "permit to possess or carry a firearm."

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2. Removal of federal disabilities will automatically result where the individual was convicted in a state court and there has been a restoration of ALL civil rights at state level; i.e., the right to vote, hold public office, be a juror, and restoration of a person's rights to receive and possess all firearms. *State processes cannot restore firearms rights lost as the result of a "federal" felony conviction.*
3. It is the individual's responsibility to furnish the Department of State Police with evidence of restoration of rights as aforementioned.
4. Additional information may be obtained by contacting the Office of the Secretary of the Commonwealth.

C. Unique Firearms Identification Number (UFIN)

1. It may be necessary for the denied individual to submit fingerprint impressions for comparison with the fingerprint classification of the individual named in the prohibiting criminal record. Upon determination that the individual submitting the fingerprints is not the same individual, the denied transaction will be reversed to approval and a Unique Firearms Identification Number (UFIN) may be issued.
2. A UFIN will be issued only in instances where the associated criminal record cannot be amended to prevent future denials.
3. The individual assigned the UFIN should provide the UFIN to the firearms dealer, who in turn should relay the UFIN to the FTC Call Center immediately after entering the transaction in VCheck or via the 800-telephone line.
4. Although a complete criminal history record information check will continue to be performed at the time of purchase, the UFIN will prompt the FTC to check the appropriate appeals file for quick turnover of the transaction.
5. For specific instruction, denied individuals may be referred to a UFIN flyer available to the public on the Department of State Police website at www.vsp.state.va.us.

XIII. FINAL PROCESSING OF FIREARM TRANSACTION RECORDS

A. Virginia Firearms Transaction Record SP-65

1. The original SP-65 must be safeguarded by the dealer and maintained as a matter of record for a period of two years from the date of transaction.
2. Copy 1 shall be mailed or delivered to State Police by the last day of the same week following the CHRI request.
 - a. For purposes of these procedures, a week shall be seven consecutive days beginning 12:01 AM Sunday through 12:00 midnight Saturday. Copy 1 must be forwarded to the State Police, per the stipulated time frame, regardless of the status of the transaction; e.g., a final determination not rendered by the State Police by the close of the third business day, the customer declined the purchase, etc.
 - b. Firearms Transaction Center, Department of State Police, Post Office Box 85608, Richmond, Virginia, 23285-5608.

B. Virginia Firearms Pre-Pawn Transaction Record SP-65A

1. The original SP-65A must be safeguarded by the dealer and maintained as a matter of record for a period of two years from the date of transaction.
2. Copy 1 may be destroyed in instances of approval.
3. Copy 1 shall be mailed or delivered to State Police by the last day of the same week following the CHRI request in instances of confirmed denial.
 - a. For purposes of these procedures, a week shall be seven consecutive days beginning 12:01 AM Sunday through 12:00 midnight Saturday.
 - b. Firearms Transaction Center, Department of State Police, Post Office Box 85608, Richmond, Virginia, 23285-5608.

XIV. BILLING INFORMATION

A. Requirements

1. Pursuant to Section 18.2-308.2:2, of the Code of Virginia, all licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section for Virginia residents, and a fee of \$5 for every transaction involving an out-of-state resident. The fee is to be transmitted to the Department of State Police by the last day of the following month.
2. The billing system developed by the State Police was developed as an accommodation to dealers in transmitting the required fees; however, the obligation rests with the dealer to pay the prescribed fees.

B. Monthly Statement

Billing invoices are updated on the first day of each month and are available on VCheck for viewing and/or printing on the first day of each month. A statement will be mailed to the dealer on the first day of each month, as requested, indicating:

1. Number of transactions.
2. Transaction number, date, type of transaction, and amount charged per transaction.
3. Total amount due.

C. Payment Process

1. Dealers shall forward the exact amount as shown on the statement along with the Remittance Page of the bill to State Police in a self-addressed color-coded envelope as provided by the State Police.
2. Payment shall be made only by company check, money order, or cashier's check payable to "Virginia State Police" and forwarded to the State Police FTC, Post Office Box 85608, Richmond, Virginia 23285-5608.
3. Cash shall not be transmitted through the mail.
4. Only payment for CHRI checks will be enclosed in the self-addressed color-coded envelope. Orders for additional forms, completed forms, or questions concerning the VFTP shall be mailed in a separate envelope.

D. Checks Returned Due to Insufficient Funds

1. A \$50.00 bank fee will be assessed for checks returned for insufficient funds.

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2. Upon occurrence of two checks returned due to insufficient funds, the dealer shall be notified that future payments will be accepted only in the form of money order or cashier's check. Pre-Payment

Pre-payment is acceptable, however, the DIN must be included with payment. A supply of color-coded pre-addressed envelopes will be provided upon request.

F. Late Charge

1. An amount owed becomes a Past-Due Receivable when payment is not received, in full, by the last day of the month, and a late charge penalty of \$5.00 is automatically assessed the account.
2. Late fees will accumulate monthly until account is brought current.

G. Questions Concerning Bill

Discrepancies or questions shall be directed to the FTC Bookkeeper at (804) 674-2666, Monday through Friday between the hours of 8:00 AM and 4:30 PM, except holidays.

H. Failure to Transmit Fees

1. Failure to submit payment in compliance with these procedures, without just cause, will result in the DIN being placed in an inactive status with access to the record checks denied, which will prevent the sale or transfer of firearms.
2. Reinstatement will be granted only upon written request after account has been brought current.
3. Timely mail delivery is at the risk of the sender.

XV. CRIMINAL VIOLATIONS AND INVESTIGATIONS

A. Incomplete SP-65 Forms

1. The Department of State Police continuously reviews SP-65 forms supporting CHRI checks and notifies those dealers determined in violation of the provisions of the statute; e.g., form not signed by purchaser, form not completed in its entirety, identification documentation not listed, etc.
2. Continued non-compliance could result in criminal charges and the offending firearm dealer being denied access to the VFTP, which would prevent the selling of firearms.

B. Criminal Investigations

Firearms dealers shall admit to his/her place of business during regular business hours the chief law-enforcement officer, or designee, of the jurisdiction in which the dealer is located, or any law-enforcement official of the Commonwealth, and shall permit such law-enforcement officer, in the course of a bona fide criminal investigation, to examine and copy those federal and state records related to a firearms transaction. (Section 54.1-4201, Code of Virginia)

C. Violation of Code Section 18.2-308.2:2

1. It is a Class 5 felony for any dealer to willfully and intentionally sell, rent, trade, or transfer a firearm in violation of the law.
2. It is a Class 2 misdemeanor for a dealer to request, obtain, or disseminate criminal history record information under false pretenses.
3. It is a Class 5 felony for any person to willfully and intentionally make a materially false statement on the required consent form.
4. It is a Class 6 felony for any person, except for a law-enforcement officer in the performance of his official duties or other person under the direct supervision of the law-enforcement officer, to attempt to solicit or otherwise entice a firearms dealer to transfer or otherwise convey a firearm other than to an actual buyer. A person who willfully and intentionally aids or abets a person violating this provision is likewise guilty of a Class 6 felony. "Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

D. Violation of Code Section 18.2-308.2:3

1. It is a Class 2 misdemeanor for any person to willfully and intentionally request, obtain, or seek to obtain criminal history record information under false pretenses, or to willfully and intentionally disseminate or seek to disseminate criminal history record information except as authorized by this section and Section 18.2-308.2:2.
2. It is a Class 5 felony for any person to willfully and intentionally make a materially false statement on the personal descriptive information required in this section.

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3. It is a Class 1 misdemeanor for any person to offer for transfer any firearm in violation of this section.

APPENDIX A

QUESTIONS AND ANSWERS

The following questions and answers are intended to help you understand State Law and Federal Regulations as they pertain to the Virginia Firearms Transaction Program (VFTP) and National Instant Criminal Background Check System (NICS).

1. How does the Brady Law affect the VFTP in respect to multiple handgun purchases?

All licensed firearms dealers are required to report to the State Police the purchase of multiple handguns or the purchase of two or more handguns to the same individual within 5 consecutive days on forms provided by the Bureau of Alcohol, Tobacco, and Firearms [BATF F 3310.4]. BATF requires that this form be completed and submitted to the State Police on the date of the sale of multiple handguns. The completed form should be addressed to the Department of State Police FTC, Post Office Box 85608, Richmond, Virginia 23285-5608. This is in addition to the provisions of the Multiple Handgun Purchase Application/Certification required by Virginia law.

2. How does BATFE Ruling 2001-5 effect secondary identification requirements?

Title 27, Code of Federal Regulations, Part 178.124, BATF Ruling 2001-5 requires the firearms licensee to establish the identity, place of residence, and age of an unlicensed person before selling or delivering a firearm to such person. The purchaser is required to identify him/herself in any manner customarily used in commercial transactions. Satisfactory identification of a purchaser must identify the purchaser's name, date of birth, place of residence, and signature. Unlike Federal law, Virginia law specifically requires two forms of identification: a named primary form of identification and one of a specific list of secondary forms of identification deemed acceptable for purchaser identification. While Virginia law allows for other forms of secondary identification that meet the proof of residency requirements, the required information must be contained in a single document and cannot come from a combination of documents as allowed in BATF Ruling 2001-5. Examples of potentially acceptable secondary forms of identification are, but not limited to, a current credit card bill, a current bank statement, or a current automobile insurance identification card provided they contain the name and address of the purchaser identical to the primary identification.

3. Upon use of a Multiple Handgun Purchase Certificate, is the Certificate to be forwarded to the VFTP with the corresponding copy of the Virginia Firearms Transaction Record Form SP-65?

No. The Certificate is surrendered to the firearm dealer at the time of purchase, and maintained by the dealer with the original SP-65 form for a period of two years.

4. Does a "post office box" address for a firearm purchase meet identification requirements of the VFTP?

Section 18.2-308.2:2, Code of Virginia, requires that the primary and secondary forms of identification consist of the identical address and does not exclude post office addresses. Therefore, in this instance, the prospective firearm purchaser has met statutory identification requirements. A post office box address is not acceptable on the Federal Form 4473. Please refer to BATF Ruling 2001-5 for additional information on completing the 4473 in this instance.

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5. Are military permanent duty station orders acceptable if the Commanding Officer's name, or designee, is "stamped" instead of bearing an original signature?

A stamped signature is acceptable.

6. Is the holder of an FFL for Curios and Relics subject to a criminal history background check by the State Police prior to the purchase of a firearm?

No. Part I of Code Section 18.2-308.2:2 exempts transactions between persons who are licensed as firearms importers or collectors, manufacturers, or dealers pursuant to 18 U.S.C. Section 921, et seq., from the criminal history background check. The exemption does not apply if the firearm(s) to be purchased are not curios or relics.

7. Is the holder of a FFL for Curios and Relics required to register with the State Police?

No. Section 18.2-308.2:2 requires that every licensed firearms "dealer" register with the Department of State Police in order to request CHRI checks be conducted by this agency prior to the sale or transfer of a firearm and makes no requirement for collectors of curios and relics to register.

8. Does the handgun restriction apply to the holder of a federal collector's license?

No. A federally licensed collector is not subject to the one handgun a month purchase restriction of Section 18.2-308.2:2 when acquiring or disposing of curio and relic handguns among other federally licensed firearms importers, collectors, manufacturers, or dealers. The collector is subject to the handgun restriction when purchasing handguns not covered by the federal license.

9. Why does the State Police charge a \$5.00 late charge penalty?

The fees you collect for firearm sales are the Commonwealth's monies and the monthly notices sent to you are to assist you in records keeping and submitting those monies to the State Police. The Virginia Debt Collection Act, Section 2.1-726, et seq., requires that each state agency take all appropriate and cost effective actions to aggressively collect its accounts receivable. Late fees are assessed when the firearms transaction fees are not received by the last day of the month following the transaction.

10. If a new resident of Virginia opts to have his or her firearms transferred to his/herself via arrangement between an out-of-state firearms dealer and a Virginia dealer, must the transaction be called into the FTC?

Yes. A NICS check is required in this instance.

11. Can a dealer sell a handgun to a non-Virginia resident?

It is in violation of Title 27 Section 78.96, Code of Federal Regulations, to sell or transfer a handgun to a non-Virginia resident. This process can be completed by transfer of the intended handgun to a licensed dealer in the prospective purchaser's state of residence in order for the handgun to be further transferred in accordance with the laws of that state.

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12. Why does the FTC operator ask, "are you at your place of business" during the firearm transaction call-in process?

Federal law requires that a licensed firearms dealer engage in business only at his or her licensed premises, at a gun show, or special event authorized by BATF (178.100, Title 27 of the Code of Federal Regulations).

13. Does the FTC place priority on the firearm transactions received from gun show events?

No. Firearm transactions received on the 800-telephone line are processed in their order of receipt. The FTC encourages dealers at these events to utilize VCheck when possible.

14. Why do the FTC operators sometimes accept only a couple of transactions during one call and at other times accept multiple transactions during one call?

To provide equitable service to all dealers, the FTC operator must determine the appropriate amount of transactions to accept during a single call in consideration of the volume of transactions being received and the number of dealers awaiting connection with an operator at that time. The FTC maintains the computer capability to determine, at any given time, the number of dealers awaiting connection with an operator and the length of time the dealer has been "on hold." Firearm dealers are encouraged to use VCheck.

15. If I run out of SP-65 forms, may I borrow forms from another store?

No. The forms are consigned to specific accounts (DIN's) and cannot be borrowed or transferred. All dealers are reminded to maintain a sufficient inventory of forms at all times and to notify FTC as far in advance as possible when requesting additional forms.

16. In the case of a person who wishes to redeem more than one handgun at the same time, is a Multiple Handgun Purchase Certificate required?

No. A Multiple Handgun Purchase Certificate is not required in this instance, as a "purchase" is not occurring.

17. If an individual pawns and redeems a handgun twice during the same 30-day period, is a Multiple Handgun Purchase Certificate required?

A Multiple Handgun Purchase Certification is not necessary in this instance.

18. Can a nonresident pawn and redeem a handgun?

A non-resident may redeem a handgun. Completion of an SP-65 form and a CHRI check is required.

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19. In the case of a consigned handgun being returned to the owner of the gun, is a CHRI check and a Multiple Handgun Purchase Certificate required, if more than one handgun is involved or, if the owner has purchased a handgun in that 30 day period?

A CHRI check is required prior to the return of a consigned firearm to the owner of the firearm. In this instance, a Multiple Handgun Purchase Certificate is not required, as a "purchase" is not occurring. VCheck is designed to accommodate transactions of this nature.

20. After the dealer receives an approval number for transfer from the State Police operator, can additional firearms be added to the transaction?

No.

21. Is a DMV Identification Card acceptable as a form of secondary identification when the primary identification is a DMV Driver's License?

No. Both the DMV issued Identification Card and Driver's License are considered primary forms of identification. A separate secondary form of identification/residency is required.

22. What is the difference between an "exchange" and a "trade" transaction?

An "exchange" involves a handgun that was purchased within the last 30-day period and must occur with the original seller of the handgun. The transaction requires the SP-65 document number of the original transaction. There is no restriction to the number of times an individual may exchange a handgun. A "trade" involves a handgun that was purchased at any time with any dealer and does not capture a previous SP-65 document number. No more than one trade transaction may occur per day. Both transactions are exempt from the calendar file on handgun purchases.

23. How long is the transaction approval number valid?

The approval number is valid for a period of 30 calendar days from the date of transaction, as long as it applies to a single transaction. If an initially non-approved transaction is modified to an approved transaction, the firearm may be transferred to the purchaser without a second check provided 30 calendar days have not elapsed from the date of transaction.

24. If a handgun transaction is not approved at this time on June 1st, then modified to approval on June 3rd, when is the first day of the 30 day restriction?

The first day of the 30-day restriction begins on June 3rd.

25. Do all transactions on non-citizen buyers result in an initial non-approval?

Yes. The VFTP programmatically transmits a query to the Immigration and Customs Law Enforcement (ICE) Support Center for confirmation of lawful alien status to determine whether or not a non-citizen is prohibited from purchasing a firearm under 18 U.S.C. 922 (g)(5) and (y). The transaction must be initially delayed to allow time for this process.

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26. Is a Virginia Nonresident Concealed Handgun Permit acceptable as an exemption to Virginia's multiple handgun purchase restriction?

A nonresident may not purchase a handgun in Virginia. However, if the prospective buyer has established residency, a Virginia-issued concealed handgun permit, including a nonresident permit, is an acceptable exemption to the multiple handgun purchase restriction. For example, military personnel assigned to a duty post in Virginia may present a Military ID, Permanent Duty Orders, and a valid Nonresident Concealed Handgun Permit issued by the Virginia Department of State Police to establish residency and to meet the statutory exemption of Section 18.2-308.2:2, Code of Virginia, for the purchase of multiple handguns.

27. Is a federal law enforcement officer exempt from the background check requirement prior to the purchase of a firearm?

Yes, if the federal officer is purchasing firearms based on a certification letter from his or her employer. Refer to Section V, E for detailed information on the purchase of firearms by law enforcement officers.

28. Is a federal law enforcement officer exempt from Virginia's handgun restriction when the agent is a Virginia resident and is purchasing the handguns for their personal collection (not based on a certification letter)?

Yes. A federal law enforcement officer is except from the handgun restriction because Virginia Code Section 18.2-308.2:2 (l) exempts federal agents from the provisions of this statute.

29. Are Virginia permanent duty station orders acceptable documentation to support the federal 90-day residency requirement for a non-citizen?

Yes, if the orders were issued by the Armed Forces 90-days or more prior to the purchase.

APPENDIX B

DEFINITIONS

The term “**dealer**” means:

Chapter 42 of Title 54.1-4200 of the Code of Virginia

- Any person engaged in the business of selling firearms at wholesale or retail.
- Any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms.
- Any person who is a pawnbroker.

Public Law 99-38, Title 18 United States Code, Chapter 44, Section 921, Paragraph 11

- Any person engaged in the business of selling firearms at wholesale or retail.
- Any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms.
- Any person who is a pawnbroker.

The term “**licensed dealer**” means:

Any dealer who is licensed under the provisions of Title 18 USC., Section 921.

The term “**handgun**” means:

Any pistol or revolver or other firearm originally designed, made, and intended to fire a projectile by means of an explosion from one or more barrels when held in one hand. (Section 18.2-308.2:2, Code of Virginia.)

The term “**curios or relics**” means:

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rim fire or conventional center fire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;
2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and
3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as

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collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

The term “**antique firearm**” means:

Virginia Code Section 18.2-308.2:2, as amended and reenacted by the 2003 Virginia General Assembly, redefines the definition of an antique firearm to follow the definition in federal law and adds a definition of curio (and relic) firearms taken from the Code of Federal Regulations and includes them as antique firearms.

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;
2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rim-fire or conventional center-fire fixed ammunition or (ii) uses rim-fire or conventional center-fire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;
3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or to fire a projectile by means of an explosion from one or more barrels when held in one hand.
4. Any curio or relic as defined above.

The term “**actual buyer**” means:

A person who executes the consent form required in subsection B or C of Virginia Code Section 18.2-308.2:2 as amended and reenacted by the 2007 General Assembly, or other such firearm transaction records as may be required by federal law.

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APPENDIX C

REFERENCES

Code Section 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-308.2C2>

Code Section 18.2-308.2:3. Criminal background check required for employees of a gun dealer to transfer firearms.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-308.2C3>

Department of Criminal Justice Services Regulations Governing the Privacy and Security of Criminal History Record Information Checks for Firearm Purchases, Revised

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+6VAC20-130-10>

Regulations Governing Multiple Handgun Purchases and the Replacement of Lost or Stolen Handguns

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+19VAC30-100>

Code Section 18.2-308.2:01. Prohibiting the selling, etc., of firearms to certain persons.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-308.2C01>

Code Section 18.2-308.8. Importation, sale, possession, or transfer of Striker 12's prohibited; penalty.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-308.8>

State and Federal Prohibitions to the Purchase of a Firearm

Summary of Virginia Firearm Laws.

Unique Firearms Identification Number

Guide to Appeal Denied Firearms Transactions

http://www.vsp.state.va.us/Firearms_Brochures.shtm

VFTP Online Training

http://www.vsp.state.va.us/Firearms_DealerInfo.shtm

APPENDIX D

STATE AND FEDERAL PROHIBITORS TO THE PURCHASE OF A FIREARMS

- Under indictment for a felony offense.
- Convicted of a felony offense or adjudicated delinquent as a juvenile.
- Convicted in any court of a misdemeanor crime punishable by more than 2 years even if the maximum punishment was not received.
- Named in a protective or restraining order.
- The subject of an outstanding felony or misdemeanor warrant.
- An unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any controlled substance? *The Federal Gun Control Act defines an addicted person, or unlawful user, as a person who has a conviction for use or possession of a controlled substance within the past year or persons found through a drug test to use a controlled substance unlawfully, provided that the test was administered within the past year.*
- A person who has been adjudicated legally incompetent, mentally incapacitated, or involuntarily committed to a mental institution at any time, or voluntarily admitted to a mental institution subsequent to a temporary detention order.
- A person who has been discharged from the Armed Forces under dishonorable conditions.
- Illegally in the United States or a nonimmigrant alien. *A nonimmigrant alien is prohibited from receiving a firearm unless he or she falls within an exception to the nonimmigrant alien prohibition..*
- A person who, having been a citizen of the United States, has renounced citizenship of the United States.
- Convicted of a misdemeanor crime of domestic violence. *This includes all misdemeanors that involve the use, threat of, or attempted use of physical force (e.g., simple assault, assault and battery) if the offense is committed by one of the following parties: a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.*
- The purchase of a handgun from any source within the last 30 days, without an exemption.
- A person who, within a 36 consecutive month period, has been convicted under Virginia law, of two misdemeanor offenses for Possession of Controlled Substance and/or Possession of Marijuana? (Handgun Purchases Only)